

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. No. 995 (MS) of 2004

Majon Arora Son

.....Petitioner.

Versus

Civil Judge and another.

.....Respondents.

Hon'ble Rajesh Tandon, J.

By the present Writ petition, the petitioner has prayed for quashing of the order dated 6th October, 2004, by which the issues which are sought to be framed by the petitioner has been refused to be framed. The short submission of the petitioner is that with regard to the issues, he has also pleaded in paragraph 16 and 17 of the Written Statement and no issues have been framed with regard to the pleadings as contained in the aforesaid paragraphs.

Liberty is given to the petitioners to apply afresh in the light of the pleadings contained in paragraph 16 and 17 of the Written Statement, which shall be disposed of by the leaned court below by a reasoned order. The learned Judge has not assigned any reasons for rejecting the application, except that

the petitioner has not pleaded any facts with regard to the issues sought to be added.

Counsel for the petitioner is, therefore, permitted to file the application giving the details of the pleadings already mentioned in the written statement. In case such an application is filed, the same shall be disposed of by the Trial Court within a period of six weeks from the filing of the certified copy of the order.

Subject to the aforesaid observation, Writ Petition is disposed of.

13.10.2004

(RAJESH TANDON J.)

P.S. Rathour